

*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.*

## Emergency Rules

### DRIVER SERVICES

The SECRETARY OF STATE adopted emergency amendments to Procedures and Standards (92 IAC 1001; 44 Ill Reg 5824); Certificates of Title, Registration of Vehicles (92 IAC 1010; 44 Ill Reg 5831); Issuance of Licenses (92 IAC 1030; 44 Ill Reg 5839); and Rules of the Road-Persons with Disabilities Parking Program (92 IAC 1100; 44 Ill Reg 5847), all effective 3/17/20 for a maximum of 150 days. Identical proposed rules appear in this week's *Illinois Register* at 44 Ill Reg 5726, 5728, 5730 and 5732, respectively. These emergency rules suspend the expiration of driver's licenses, instruction permits, other driving permits, and identification cards (Part 1030), vehicle registration plates and stickers (Part 1010), and disability parking decals (Part 1100) for the duration of the COVID-19 Disaster Proclamation and for 30 days after this

### COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

proclamation expires. Administrative hearings conducted by SOS under the Illinois Vehicle Code (Part 1001) are also suspended for the same time period.

### ■ BUSINESS SERVICES

SOS adopted emergency amendments to the Parts titled

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## Proposed Rulemakings

### ■ NUISANCE ANIMALS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Nuisance Wildlife Control Permits (17 IAC 525; 44 Ill Reg 5580) that require Class A nuisance wildlife removal permits for providers of bat exclusion or eviction services (currently, this applies to persons who trap or take bats, other mammals, or game birds). The rulemaking also allows holders of nuisance wildlife control permits to carry electronic or digital copies of the permit for presentation upon request of any peace officer or employee of DNR.

### ■ HUNTING

DNR also proposed its annual updates to the following Parts: General Hunting and Trapping on Department-Owned or -Managed

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**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.  
**PROPOSED RULES:** Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.  
**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.  
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.  
**QUESTIONS/COMMENTS:** Submit mail, email or phone calls to the agency personnel listed below each summary.  
**RULE TEXT:** Available on the Secretary of State ([www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://www.ilga.gov)) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

# Emergency Rules

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## STATE OFFICIALS

## ■ TELEHEALTH

Business Corporation Act (14 IAC 150; 44 Ill Reg 5786), General Not For Profit Corporations (14 IAC 160; 44 Ill Reg 5792), Uniform Partnership Act (1997) (14 IAC 166; 44 Ill Reg 5796), Uniform Limited Partnership Act (2001) (14 IAC 171; 44 Ill Reg 5800), Limited Liability Company Act (14 IAC 178; 44 Ill Reg 5804), and Uniform Commercial Code (14 IAC 180; 44 Ill Reg 5809) effective 3/20/20 for a maximum of 150 days. Identical proposed amendments appear at 44 Ill Reg 5710, 5712, 5714, 5716, 5718, and 5720. These rules extend the filing deadlines for applicable business-related documents (e.g., organizational documents, annual reports, other materials) and suspend late filing fees for the duration of the COVID-19 Disaster Proclamation and for 30 days after its expiration. Small businesses and non-profit organizations required to file documents with SOS are affected by these emergency rules.

## SOS EMPLOYEES

SOS also adopted an emergency amendment to Merit Commission (80 IAC 50; 44 Ill Reg 5820) effective 3/17/20 for a maximum of 150 days. An identical proposed rule appears at 44 Ill Reg 5724. The emergency rule suspends all hearings conducted under the Secretary of State Merit Employment Code (concerning SOS personnel matters) for the duration of the COVID-19 Disaster Proclamation and for 30 days after its expiration.

SOS adopted an emergency amendment to Statements of Economic Interests (2 IAC 565; 44 Ill Reg 5782) effective 3/20/20 for a maximum of 150 days, extending the deadline for filing statements of economic interest required under the Illinois Governmental Ethics Act until 30 days after the expiration of the COVID-19 Disaster Proclamation. An identical proposed amendment appears at 44 Ill Reg 5708.

*Questions/requests for copies/ comments on the 12 proposed SOS rulemakings through 5/18/20: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

## COURT OF CLAIMS

Finally, SOS also adopted an emergency amendment to Court of Claims Regulations (74 IAC 790; 44 Ill Reg 5815) effective 3/20/20 for a maximum of 150 days, extending the statute of limitations for filing claims with the Illinois Court of Claims for the duration of the COVID-19 Disaster Proclamation and 30 days thereafter. An identical proposed amendment appears at 44 Ill Reg 5722.

*Questions/requests for copies/ comments on the proposed rulemaking through 5/18/20: Brad Bucher, Court of Claims Administrator, 630 S. College St., Springfield IL 62756, 217/782-0111, [bbucher@ilsos.gov](mailto:bbucher@ilsos.gov)*

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to Medical Payment (89 IAC 140; 44 Ill Reg 5745) effective 3/20/20 for a maximum of 150 days. Identical proposed amendments appear at 44 Ill Reg 5560. These rules authorize medical assistance coverage of all medically necessary and clinically appropriate telehealth services for dates of service on and after 3/9/19 for the duration of the COVID-19 public health emergency. Telehealth services that utilize an interactive telecommunication system or other communication system that allows the patient and provider to exchange health information that would otherwise be collected in a face to face encounter are eligible for medical assistance reimbursement. Also for the duration of the public health emergency, HFS will cover services provided by federally qualified health centers, rural health clinics and encounter rate clinics that do not ordinarily meet its definition of telehealth services, including virtual check-ins and behavioral health services provided via telephone or video and e-visits via online patient portals. Health providers enrolled in the Medical Assistance Program are affected by this emergency rule.

*Questions/requests for copies/ comments on the proposed rulemaking through 5/18/20: Steffanie Garrett, HFS, 201 S.*

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# Proposed Rulemakings

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510; 44 Ill Reg 5572); Duck, Goose, and Coot Hunting (17 IAC 590; 44 Ill Reg 5589); White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 44 Ill Reg 5634); White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 44 Ill Reg 5640), Special White-Tailed Deer Season for Disease Control (17 IAC 675; 44 Ill Reg 5660); Late-Winter Deer Hunting Season (17 IAC 680; 44 Ill Reg 5665); Youth Hunting Seasons (17 IAC 685; 44 Ill Reg 5670); and The Taking of Wild Turkeys – Spring Season (17 IAC 710; 44 Ill Reg 5683). Amendments to Part 510 implement an electronic check-in system that will be used, on a pilot basis, on State-owned sites that require hunters to sign in and out. Amendments to Part 685 provide that youth deer hunt permits will be valid statewide on a pilot basis and allow the holder to hunt in any open counties, on property where permission to hunt has been granted. The pilot program will continue until 1/1/23, after which the results will be assessed, and DNR will determine whether to continue or terminate statewide youth deer hunts. Amendments to the remaining Parts implement site-specific changes to procedures, bagging limits, and conforming changes related to the youth hunt. Those affected by these rulemakings may include outfitters and owners of hunting properties.

*Questions/requests for copies/ comments on the 9 DNR rulemakings through 5/18/20: John Heidinger, DNR, One*

*Natural Resources Way, Springfield IL 62702, 217/557-6379.*

## ■ NURSING EDUCATION

The BOARD OF HIGHER EDUCATION proposed amendments to Nurse Educator Fellowship Program (23 IAC 1105; 44 Ill Reg 5562) incorporating requirements of the Grant Accountability and Transparency Act (GATA) into its grant program for nursing educators. Provisions for accounting, grant agreements, post-award procedures, and clarification of the recipient's responsibilities are included. Eligible faculty at nursing schools/ colleges may be affected.

*Questions/requests for copies/ comments through 5/18/20: Karen Helland, BHE, 1 N. Old State Capitol Plaza, Suite 333, Springfield IL 62701-1377, 217/557-7358, fax 217/782-8548, [helland@ibhe.org](mailto:helland@ibhe.org)*

## ■ AG EDUCATION

The STATE BOARD OF EDUCATION proposed amendments to Agricultural Education Program (23 IAC 75; 44 Ill Reg 5545) implementing Public Act 101-554. The rulemaking creates a grant-funded Agricultural Education Pre-Service Teacher Internship Program, in consultation with the Board of Higher Education, for students preparing to teach ag courses at the high school level. The program, which is subject to grant funding, allows students

majoring in ag education who have completed at least 30 credit hours to acquire paid experience working in the ag industry as part of their coursework. Eligible grant applicants must be partnerships of one or more post-secondary institutions with one or more other educational entities (e.g., school districts, private schools, Regional Offices of Education, community-based ag education organizations). Programs created by these partnerships must offer at least 8 weeks or 300 hours of experience to participants and recruit Illinois agricultural companies for this purpose. Procedures by which eligible partnership may apply for the grant are outlined. Those affected by this rulemaking include school districts, ag education students, and agricultural businesses.

*Questions/requests for copies/ comments through 5/18/20: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, [rules@isbe.net](mailto:rules@isbe.net)*

# Emergency Rules

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*Grand Ave. East, 3<sup>rd</sup> Fl.,  
Springfield IL 62763-0002,  
[HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)*

## ■ CHILD CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted emergency amendments to Licensing Standards for Day Care Centers (89 IAC 407; 44 Ill Reg 5734) effective 3/20/20 for a maximum of 150 days. Identical proposed amendments appear at 44 Ill Reg 5542. The emergency rule establishes a temporary licensing process for emergency day care (EDC) programs to serve essential workers (those exempt from the “stay at home” Executive Order of the Governor). Currently licensed day care centers and new day care programs not previously licensed may apply. New EDC programs will receive an on-site licensing visit within 48 hrs of application and will remain licensed to operate no longer than 30 days after the Governor’s COVID-19 Disaster Proclamation expires. Currently licensed centers will not require an on-site visit if

they have had a licensing visit within the past 12 months and are not changing their capacity or age groupings. DCFS may visit any EDC during its hours of operation to ensure child health and safety or provide support and resources and will conduct recertification visits 90 days after issuance of an emergency license. Children must remain in stable groups of 10 or fewer. Providers may work up to 12 hours in each 24-hour period, must remain solely with one group of children, and must comply with current CDC guidance regarding COVID-19 prevention. The rule also lists the minimum staffing, health and safety standards applicable to EDCs. Those affected by this rulemaking include current day care centers seeking permission to remain open in order to serve essential workers.

*Questions/requests for copies/ comments on the proposed rulemaking through 5/18/20: Jeff Osowski, DCFS, 406 E. Monroe St., St. #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524-3715, fax 217/557-0692, e-mail: [DCFS.Policy@illinois.gov](mailto:DCFS.Policy@illinois.gov)*

## ■ WORK WEEK LIMITS

The DEPARTMENT OF LABOR adopted emergency amendments to the Part titled Six Day Week Law (56 IAC 220; 44 Ill Reg 5775) effective 3/20/20 for a maximum of 150 days. The emergency rule establishes an exception to DOL rules that ordinarily mandate no more than a 6-day work week, so that employers who have workers willing to work 7 days or more to fill staffing needs due to the COVID-19 emergency may request permission to go beyond a 6-day week. The request must explain how the need is attributable to COVID-19, state the duration of the permission being sought, and affirm that the employer will only utilize employees that willingly volunteer to work 7 days or more. Small businesses will be affected by this emergency rule.

*Questions/requests for copies: Jason Keller, DOL, 900 S. Spring St., Springfield IL 62704, 217/782-1706, [jason.keller@illinois.gov](mailto:jason.keller@illinois.gov)*

## Second Notices

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The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the April 21, 2020 JCAR meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR using the contact information on page 1.

### GUARDIANSHIP & ADVOCACY COMMISSION

Fee Schedule for the Office of State Guardian (59 IAC 301; 43 Ill Reg 13902) proposed 12/6/19

## JCAR Meeting Action

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At its 3/31/20 meeting, the Joint Committee on Administrative Rules approved the following actions:

### RECOMMENDATION

With respect to the Department of Employment Security rulemaking titled Payment of Unemployment Contributions, Interest and Penalties (56 IAC 2765; 44 Ill Reg 38), JCAR recommends that the Department continue to ensure that statutory changes be reflected in rule in a timely manner. PA 97-791, which this rulemaking implements, was effective on 1/1/13.

### EXTENSIONS

JCAR, with the concurrence of the respective agencies, has extended the Second Notice period for the following rulemakings an additional 45 days. These rulemakings will be considered again at the April 21 meeting.

Department of Revenue, Parking Excise Tax (86 IAC 195; 43 Ill Reg 13242) proposed 11/15/19

Illinois Gaming Board, Video Gaming (General) (11 IAC 1800; 43 Ill Reg 13354) proposed 11/22/19

## Joint Committee on Administrative Rules

**Senator Bill Cunningham, *co-chair***  
**Senator Kimberly Lightford**  
**Senator Tony Muñoz**  
**Senator Sue Rezin**  
**Senator Paul Schimpf**  
**Senator Chuck Weaver**

**Representative Tom Demmer**  
**Representative Michael Halpin**  
**Representative Frances Ann Hurley**  
**Representative Steven Reick**  
**Representative André Thapedi**  
**Representative Keith Wheeler, *co-chair***

**Vicki Thomas**  
**Executive Director**